

**Town of Freetown**  
**Board of Health**  
**Regulations for Body Art Establishments and Body Art Practitioners**

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**1. Purpose and Scope**

The purpose of the regulations is to set forth standards where the Board of Health, acting under the authority conferred by M.G.L. Chapter 111, Section 31, governs the practice of Body Art

The Town of Freetown Body Art Regulation provides the minimum requirements to be met by any person performing Body Art activities for hire upon another individual and for any establishment wherein Body Art activities are to be performed. These requirements include, but are not limited to, requirements concerning the general sanitation of the establishment wherein Body Art activities are to be performed and the Sterilization of Instruments to be used in the conduct of Body Art. By enacting this Body Art Regulation, the Town of Freetown has determined that these rules and regulations are necessary to protect the public's health by preventing diseases and the transmission of diseases, including, but not limited to, hepatitis B and/or human immunodeficiency virus (HIV/AIDS).

Effective March 31, 2003, this Body Art Regulation establishes a requirement and a procedure for registration with the Board of Health of the Town of Freetown of all persons performing such Body Art activities, and for each establishment in which such activities are performed. This Regulation also establishes a requirement for minimal training standards for such practitioners including requirements for training in the prevention of disease transmission and for knowledge of anatomy and physiology. It also provides for the regular inspection of establishments wherein Body Art activities are to be performed and contains enforcement provisions including but not limited to revocation of the registration of any person or establishment deemed in violation of this Regulation or any rules promulgated hereunder.

This Body Art Regulation provides for an annual fee to be paid by a person and establishment registered under this Body Art Regulation. This fee is intended to help defray the cost to the Town of Freetown of the administration of the requirements of this Body Art Regulation.

## **2. Definitions**

The following terms used in this Regulation, unless the context otherwise requires, shall have the following meaning:

**Aftercare** means written instructions given to the client, specific to the body art procedure(s) rendered, about caring for the body art and surrounding area, including information about when to seek medical treatment, if necessary.

**Antiseptic** shall mean an agent that destroys disease-causing microorganisms on human skin or mucosa.

**Applicant** means any person who applies to the Board of Health for either a body art establishment permit or practitioner permit.

**Autoclave** means an apparatus for sterilization utilizing steam pressure at a specific temperature over a designated period of time.

**Autoclaving** means a process which results in the destruction of all forms of microbial life, including highly resistant spores, by the use of an autoclave for a minimum of thirty minutes at 20 pounds of pressure (PSI) at a temperature of 270 degrees Fahrenheit.

**Bloodborne Pathogens Standard** means OSHA Guidelines contained in 29 CFR 1910.1030, entitled "Occupational Exposure to Bloodborne Pathogens."

**Board** means the Board of Public Health or its authorized representatives.

**Board of Health or Board** means the Freetown Board of Health or its agents having jurisdiction in the Town of Freetown over a body art establishment

**Body Art** means the practice of physical body adornment by permitted establishments and practitioners using, but not limited to, the following techniques: body piercing, tattooing, cosmetic tattooing, branding, braiding, beading/implantation or scarification, also known as scarring. This definition does not include practices that are considered medical or dental procedures by the Board of Registration in Medicine or Dentistry.

**Body Art Establishment or establishment** means a location, place, or business that has been inspected and granted a current permit in accordance with this Body Art Regulation, by the Board, whether public or private, where the practices of body art are performed, whether or not for profit.

**Body Art Practitioner or practitioner** means a specifically identified individual who has been granted a permit by the Board to perform body art in an establishment that has been granted a permit by the Board.

**Body Art Regulation** shall mean the Rules and Regulations promulgated by the Board of Health on March XX, 2003 pursuant to the Town of Freetown's Board of Health Regulations and the Town of Freetown's By-Laws, as amended from time to time, and M.G.L. c. 111, §31.

**Body Piercing** shall refer to the form of Body Art requiring or consisting of puncturing or penetrating the skin of a client with presterilized single-use needles and the insertion of presterilized jewelry or other adornment into the opening. This definition excludes piercing of the earlobe with a presterilized single-use stud-and-clasp system manufactured exclusively for ear-piercing.

**Braiding** shall refer to the form of Body Art requiring or consisting of the cutting of strips of skin of a person, which strips are then to be intertwined with one another and placed onto such person so as to cause or allow the incised and interwoven strips of skin to heal in such intertwined condition.

**Branding** shall refer to the form of Body Art consisting of or requiring the inducement of a burn and/or the resulting scarring of the skin of a person by means of the use of a heated instrument or object.

**Cleaning Area** shall mean the area in a Body Art establishment used in the sterilization, sanitation or other cleaning of instruments or other equipment used for the practice of Body Art.

**Client** means a member of the public who requests a body art procedure at a body art establishment.

**Contaminated or Contamination** shall refer to the presence of or a reasonable possibility of the presence of blood, bodily fluids, infectious or potentially infectious matter on an inanimate object.

**Contaminated Waste** shall mean any liquid or semi-liquid blood or other potentially infectious material; contaminated items that would release blood or other potentially infectious material in a liquid or semi-liquid state if compressed; items on which there is dried blood or other potentially infectious material and which are capable of releasing these materials during handling; sharps and any wastes containing blood or other potentially infectious materials, as defined in 29 Code of Federal Regulation part 1910.1030, as defined in 105 Code of Massachusetts Regulation 480.00 et seq, or in this Body Art Regulation.

**Cosmetic Tattooing**, also known as permanent cosmetics, micro pigment implantation or dermal pigmentation, shall refer to the form of Body Art requiring the implantation of permanent pigment around the eyes, lips and cheeks of the face, and hair imitation.

**Customer or Client** shall mean a person upon whom one or more Body Art activities is/are to be performed, and shall include a Minor Client.

**Customer Waiting Area** shall mean the area in a Body Art establishment for use and occupation by persons and clients prior to and after the conduct of Body Art.

**Dentist** means an individual Permitted as a qualified dentist by the Board of Registration in Medicine pursuant to M.G.L. c. 112 § 43.

**Disinfect or Disinfection** means the destruction of disease-causing microorganisms on inanimate objects or surfaces, thereby rendering these objects safe for use or handling.

**Disinfectant** means a product registered as a disinfectant by the U.S. Environmental Protection Agency (EPA).

**Ear Piercing** means the puncturing of the outer perimeter lobe of the ear with a presterilized single-use stud-and-clasp ear-piercing system following the manufacturer's instructions.

**Epidermis** shall mean the outer layer of skin which is composed of four recognizable layers of cells usually a total of about 0.1 mm thick.

**Equipment** means all machinery, including fixtures, containers, vessels, tools, devices, implements, furniture, display and storage areas, sinks, and all other apparatus and appurtenances used in connection with the operation of a body art establishment.

**Exposure** shall mean an event whereby there is an eye, mouth or other mucous membrane, non-intact skin or parenteral contact with the blood or bodily fluids of another person or contact of an eye, mouth or other mucous membrane, non-intact skin or parenteral contact with other potentially infectious matter.

**Exposure Control Plan** shall mean a plan drafted by an Operator pursuant to the requirements of the U.S. Occupational Safety and Health Administration to eliminate or minimize the potential for an Exposure.

**Exposure Incident Report** shall mean a written report detailing the circumstances of an Exposure.

**Germicide or Germicidal Solution** shall mean the same as Liquid Chemical Germicide.

**Hand Sink** means a lavatory equipped with hot and cold running water under pressure, used solely for washing hands, arms, or other portions of the body.

**Hot Water** means water that attains and maintains a temperature 110°-130°F.

**Instrument or Instruments Used for Body Art** shall mean hand pieces, needles, needle bars, and other instruments that may come in contact with a client's body or may be exposed to bodily fluids during any body art procedure.

**Invasive** means entry into the client's body either by incision or insertion of any instruments into or through the skin or mucosa, or by any other means intended to puncture, break, or otherwise compromise the skin or mucosa.

**Jewelry** means any ornament inserted into a newly pierced area, which must be made of surgical implant-grade stainless steel; solid 14k or 18k white or yellow gold, niobium, titanium, or platinum; or a dense, low-porosity plastic, which is free of nicks, scratches, or irregular surfaces and has been properly sterilized prior to use.

**Liquid Chemical Germicide** shall mean a substance registered with the United States Environmental Protection Agency for use in the destruction of pathogenic microorganisms or an approximate 1:100 dilution of household chlorine bleach in clean water mixed fresh daily.

**Mobile Body Art Establishment** shall mean any trailer, truck, car, van, camper or other motorized or non-motorized vehicle, a shed, tent, movable structure, bar, home or other facility wherein, or concert, fair, party or other event whereat one desires to or actually does conduct Body Art procedures, excepting only a Permitted Body Art Establishment.

**Minor** or Minor Client shall mean any person under the age of eighteen (18) years.

**Operator** means any person who individually, or jointly or severally with others, owns, operates, manages or controls a Body Art Establishment.

**Parenteral** shall mean the invasion of the skin barrier or mucous membranes.

**Permit** means Board approval in writing to either (1) operate a body art establishment or (2) operate as a body art practitioner within a body art establishment. Board approval shall be granted solely for the practice of body art pursuant to these model regulations. Said permit is exclusive of the establishment's compliance with other licensing or permitting requirements that may exist within the Town of Freetown comprising the Board's jurisdiction.

**Person** means an individual, any form of business or social organization or any other non-governmental legal entity, including but not limited to corporations, partnerships, limited-liability companies, associations, trusts or unincorporated organizations.

**Physician** means an individual Permitted as a qualified physician by the Board of Registration in Medicine pursuant to M.G.L. c. 112 § 2.

**Procedure Surface** means any surface of an inanimate object that contacts the client's unclothed body during a body art procedure, skin preparation of the area adjacent to and including the body art procedure, or any associated work area which may require sanitizing.

**Prohibited Forms of Body Art** shall refer to those forms of Body Art prohibited under this Body Art Regulation and set forth in Section 13 and Section 8 hereof.

**Sanitary** means clean and free of agents of infection or disease.

**Sanitize** means the application of a U.S. EPA registered sanitizer on a cleaned surface in accordance with the label instructions.

**Sanitizer** shall mean the same as Liquid Chemical Germicide.

**Scarification also known as Scarring** shall refer to that form of Body Art that requires altering skin texture by cutting the skin and controlling the body's healing process in order to produce wounds, which result in permanently raised wheals or bumps known as keloids.

**Sharps** means any object, sterile or contaminated, that may intentionally or accidentally cut or penetrate the skin or mucosa, including, but not limited to, needle devices, lancets, scalpel blades, razor blades, and broken glass.

**Sharps Container** means a puncture-resistant, leak-proof container that can be closed for handling, storage, transportation, and disposal and that is labeled with the International Biohazard Symbol.

**Single Use Items** means products or items that are intended for one-time, one-person use and are disposed of after use on each client, including, but not limited to, cotton swabs or balls, tissues or paper products, paper or plastic cups, gauze and sanitary coverings, razors, piercing needles, scalpel blades, stencils, ink cups, and protective gloves.

**Sterilization Unit** shall mean a unit designed to and which is effective at killing all microorganisms, including bacterial spores and which is approved by the Board for use for Sterilization in a Body Art Establishment.

**Sterilize** means the use of a physical or chemical procedure to destroy all microbial life including highly resistant bacterial endospores.

**Tattoo** means the indelible mark, figure or decorative design introduced by insertion of dyes or pigments into or under the subcutaneous portion of the skin.

**Tattooing** shall refer to the form of Body Art consisting of any method of placing ink or other pigment into or under the skin or mucosa by the aid of needles or any other instrument used to puncture the skin, resulting in permanent coloration of the skin or mucosa. This term includes all forms of cosmetic tattooing.

**Tattoo Gun** shall mean an electric, vertically vibrating tool used for tattooing.

**Tattoo Inks/Pigments/Dyes or Inks/Pigments/Dyes** shall mean the metal or salt-based substance injected into the subcutaneous portion of the skin in the act or process of creating a tattoo.

**Temporary Body Art Establishment** shall mean the same as Mobile Body Art Establishment.

**Three Dimensional Body Art or Beading or Implantation** shall refer to the form of Body Art consisting of or requiring the placement, injection or insertion of an object, device or other thing made of matters such as steel, titanium, rubber, latex, plastic, glass or other inert materials, beneath the surface of the skin of a person. This term does not include Body Piercing.

**Ultrasonic Cleaning Unit** means a unit approved by the Board, physically large enough to fully submerge instruments in liquid, which removes all foreign matter from the instruments by means of high frequency oscillations transmitted through the contained liquid.

**Universal Precautions** means a set of guidelines and controls, published by the Centers for Disease Control and Prevention (CDC), as "Guidelines for Prevention of Transmission of Human Immunodeficiency Virus (HIV) and Hepatitis B Virus (HBV) to Health-Care and Public-Safety Workers" in Morbidity and Mortality Weekly Report) (MMWR), June 23, 1989, Vo1.38 No. S-6, and as "Recommendations for Preventing Transmission of Human Immunodeficiency Virus and Hepatitis B Virus to Patients During Exposure-Prone Invasive Procedures" in MMWR, July 12, 1991, Vo1.40, No. RR-8. This method of infection control requires the employer and the employee to assume that all human blood and specified human body fluids are infectious for HIV, HBV, and other blood pathogens. Precautions include hand washing; gloving; personal protective equipment; injury prevention; and proper handling and disposal of needles, other sharp instruments, and blood and body fluid-contaminated products.

**Workstation** shall mean an area within a Body Art Facility designated for use in the conducting of Body Art activities.

### **3. Permits and Registrations**

#### **Body Art Practitioner Permit Required**

No person shall conduct any form of Body Art activity unless such person holds a valid Body Art Practitioner Permit issued by the Board of Health pursuant to this Body Art Regulation.

#### **Body Art Establishment Permit Required**

No person shall operate an establishment for the conduct of a business consisting of or including the performance of one or more Body Art activities upon the person of another without a valid Permit to operate such establishment issued by the Board of Health in accordance with this Body Art Regulation.

#### **Town Clerk - Registration**

The requirements of this Body Art Regulation to obtain a Body Art Practitioner Permit and a Body Art Establishment Permit are separate from and in addition to the requirements of Massachusetts General Law chapter 110 § 5.

#### **Commonwealth of Massachusetts - Registration or Licensing**

The requirements of this Body Art Regulation to obtain a Body Art Practitioner Permit and/or a Body Art Establishment Permit are separate from and in addition to any similar requirements that may be mandated by the Commonwealth of Massachusetts.

### **4. Exemptions**

- (A) Physicians Permitted in accordance with M.G.L. c. 112 § 2 who perform body art procedures as part of patient treatment are exempt from these regulations so long as they are performed in a medically acceptable manner.

- (B) Dentists Permitted in accordance with M.G.L. c. 112 § 43 who perform body art procedures as part of patient treatment are exempt from these regulations so long as they are performed in a medically acceptable manner.
- (C) Individuals who pierce only the lobe of the ear with a presterilized single-use stud-and-clasp ear-piercing system are exempt from these regulations.

## **5. Restrictions**

No Body Art shall be performed on a person under the age of 18 years old.

## **6. Body Art Practitioner Permit**

### **Application -Registration - Body Art Practitioner Permit**

Any person seeking registration under this Body Art Regulation so as to obtain a Body Art Practitioner Permit shall submit a completed application provided by the Board of Health and shall pay to the Town of Freetown a fee as outlined in Board of Health Fee Schedule. A Body Art Practitioner Permit shall be valid for no more than one year and shall automatically expire on December 31<sup>st</sup> of the year granted.

### **Renewal**

The Board may renew a Body Art Practitioner Permit under this Body Art Regulation and each applicant for such renewal shall pay to the Town of Freetown a renewal fee as outlined in Board of Health Fee Schedule. All Body Art Practitioner Permits shall automatically expire on December 31 of the year of issuance unless revoked sooner by the Board.

### **Minimum Age**

A practitioner shall be a minimum of 18 years of age.

### **Transfer of a Body Art Practitioner Permit**

A permit for a Body Art Practitioner shall not be transferable from one person to another.

### **Application for Body Art Practitioner Permit and Compliance with Body Art Regulation Requirements**

The applicant for a body piercing practitioner permit shall provide documentation, acceptable to the Board, his/her successful compliance with all training, disclosure, consent and educational requirements of this Body Art Regulation relative to the form of Body Art activities for which such applicant seeks a Body Art Practitioner Permit prior to the issuance or renewal of a Body Art Practitioner Permit by the Board.

### **Hepatitis B Vaccination Status and Disclosure**

An applicant for a Body Art Practitioner Permit shall provide to the Board, and shall provide to the owner of any Body Art Establishment in which the applicant intends to perform or in which he does perform Body Art activity, valid documentation of his Hepatitis B Virus (HBV) vaccination status stating:

- (1) Laboratory evidence of immunity;
- (2) Documentation stating the vaccine is contraindicated for medical reasons. Contraindication requires a dated and signed Permitted health care professional's statement specifying the

name of the Body Art Practitioner Permit applicant employee and that the vaccine cannot be given; or,

- (3) Certificate of vaccination declination of HBV, i.e. for medical or religious reasons as provided in Massachusetts General Law chapter 76 §15.

### **Hygiene**

Every Body Art Practitioner shall maintain a high degree of personal cleanliness, conform to hygienic practices and wear clean clothes when conducting Body Art activity. If the clothes of a Body Art Practitioner are or become contaminated, clean clothing shall be donned prior to commencement of any further Body Art activity.

### **Minimal Training Requirements**

Every applicant for a Body Art Practitioner Permit or a renewal of a Body Art Practitioner Permit, in order to be qualified for such Permit, shall provide to the Board evidence of satisfaction of the following minimal training requirements:

- (1) For a Body Art Practitioner Permit enabling one to perform Body Piercing, the completion of a complete course in Anatomy and Physiology, (i.e. Anatomy & Physiology I & II) with a grade of C or better at a college accredited by the New England Association of Schools and Colleges, or comparable accrediting entity. This course work must include instruction on the systems of the integumentary system (skin).
- (2) For a Body Art Practitioner Permit that enables one to perform Tattooing, Branding and Scarification, but not Body Piercing, the successful completion of a complete course in Anatomy and Physiology, (i.e. Anatomy & Physiology I & II) with a grade of C or better at a college accredited by the New England Association of Schools and Colleges, or comparable accrediting entity. This course work must include instruction on the systems of the integumentary system (skin). Such other course or program as the Board shall deem appropriate and acceptable may be substituted for the course in anatomy & physiology otherwise required of an applicant for a Body Art Practitioner Permit that enables one to perform Tattooing, Branding and Scarification, but not Body Piercing.
- (3) For all Body Art Practitioners, the successful completion of a course on Prevention of Disease Transmission and Blood Borne Pathogens taught by an instructor trained and sufficiently knowledgeable to teach this OSHA course. Such knowledge shall include the requirements of 29 CFR 1910.1030.
- (4) Current certification in American Red Cross Basic First Aid or its equivalent and Advanced Cardio-Pulmonary Resuscitation.
- (5) Evidence satisfactory to the Board of at least two years actual experience in the practice of performing Body Art activities of the kind for which the applicant seeks a Body Art Practitioner Permit to perform, whether such experience was obtained within or outside of the Commonwealth, or evidence of a completed apprenticeship program as approved by the Commonwealth of Massachusetts or the Board, with instruction in the kind of Body Art for which the applicant seeks a Body Art Practitioner Permit to perform.

## **Blood Borne Pathogen Training Course Content**

- (1) Any course taken by an applicant to fulfill the requirements set forth in this Body Art Regulation concerning exposure control and Blood borne pathogen training shall meet the requirements of 29 United States Code 1910.1030 *et seq*, as amended from time to time, and, at a minimum, shall provide instruction in the following subject matter:
  - a) A general explanation of the epidemiology and symptoms of Blood borne diseases and all communicable diseases potentially transmitted through Body Art activity;
  - b) An explanation of the modes of transmission of Blood borne pathogens and other communicable diseases potentially transmitted through Body Art activity;
  - c) An explanation of the appropriate methods for recognizing tasks and other activities that may involve exposure to blood for the Body Art Practitioner and/or the client/recipient;
  - d) An explanation of the use and limitations of methods that will prevent or reduce exposure to the Body Art Practitioner and/or the client/recipient of Blood borne pathogens and other communicable diseases;
  - e) Information on different types, proper use, and removal of gloves and proper hand washing techniques;
  - f) Information on the proper selection and use of Autoclaveants and Antiseptics;
  - g) Information on the HBV vaccine, including information on its efficacy, safety, method of administration, and the benefits of vaccination against HBV;
  - h) An explanation of what constitutes an exposure incident, the risk of disease transmission following an exposure incident, and the options for post-exposure evaluation and follow-up if an exposure incident occurs involving Blood borne pathogens; and,
  - i) An opportunity for interactive questions and answers with the instructor of the training session.
- (2) Upon conclusion of a course as describe above, an examination based on the information covered in the course shall be administered to each attendee of the course by the entity administering the course, with documentation of the results for each attendee provided to him or her. The Body Art Practitioner Permit applicant shall provide the results of such examination to the Board.

## **Body Art Practitioner Permit - Consent to Comply With Body Art Regulation**

An applicant for a Body Art Practitioner Permit shall sign a statement provided by the Board consenting to and agreeing to abide by all of the provisions of this Body Art Regulation.

## **Body Art Practitioner Permit - Board Authorized to Issue**

- (1) If an applicant for a Body Art Practitioner Permit demonstrates compliance with section 6 (1) and all other applicable provisions of this Body Art Regulation, then the Board is hereby authorized to issue a Body Art Practitioner Permit pursuant to the provisions of this Body Art Regulation which authorizes the applicant to conduct Body Art activities consisting of Body Piercing, Tattooing, Branding and Scarification.
- (2) If an applicant for a Body Art Practitioner Permit does not demonstrate compliance with section 6 (2) of this Body Art Regulation, but does demonstrate compliance with section 6 (1) and with all other applicable provisions of this Body Art Regulation, then the Board is hereby authorized to issue a Body Art Practitioner Permit pursuant to the provisions of this Body Art Regulation that authorizes the applicant to conduct Body Art activities consisting only of **Tattooing, Branding and Scarification**.

**Body Art Practitioner Permit - Acting Within Scope of Permit**

A Body Art Practitioner shall only perform those forms of Body Art for which he/she holds a Body Art Practitioner Permit issued by the Board.

**Body Art Practitioner Permit - Posting Requirement**

A Body Art Practitioner and/or Operator shall post in an area of the Body Art Establishment accessible to the Board and to Clients the original and the current Body Art Practitioner Permit of the Body Art Practitioner.

**Body Art Practitioner - Impairment by Drugs or Alcohol**

No Body Art Practitioner shall conduct any form of Body Art activity while under the influence of alcohol or drugs.

**Restriction of Certain Body Art Activities**

No Body Art Practitioner shall perform the following activities with or without parental consent:

- (1) Tattoo a Minor Client;
- (2) Brand a Minor Client;
- (3) Scar or perform Scarification upon a Minor Client;
- (4) Pierce the genitalia of a Minor Client;
- (5) Pierce a Client under 14 years of age - with the sole exception of Ear Piercing; or
- (6) Perform or engage in any of the activities prohibited under section **13** of this Body Art Regulation.

**Sterile Conditions**

A Body Art Practitioner shall only conduct Body Art activities under Sterile conditions.

**Rash, Lesion or Visible Sign of Infection**

The skin of a Body Art Practitioner shall be free of rash, any lesion or visible sign of infection. A Body Art Practitioner shall not conduct any form of Body Art activity upon any area of a Client that evidences the presence of any rash, lesion or visible sign of infection.

**Use of Permitted Facility**

A Body Art Practitioner shall only conduct Body Art activities within a facility with a current Body Art Establishment Permit, and which Establishment is in compliance with all provisions of the Body Art Regulation.

**Body Art Practitioner - Use of Mobile or Temporary Body Art Establishment - Prohibited**

No Body Art Practitioner shall conduct any form of Body Art activity in a Mobile or Temporary Body Art Establishment.

**7. Apprenticeship Program****Apprenticeship Program – Board of Health – Authorized to Establish**

The Board, pursuant to and in accordance with the authority to promulgate rules and regulations for the protection of the public health granted in Massachusetts General Law chapter 111 § 31, and pursuant to the authority granted hereunder, is hereby empowered and authorized to establish a Body Art Practitioner Permit Apprenticeship Program.

### **Compliance with this Body Art Regulation**

Any Body Art Practitioner Permit Apprenticeship Program established under the authority of section 7 of this Body Art Regulation shall require that all participants in such program adhere to and abide by all relevant provisions of this Body Art Regulation excepting only sections 6 – Minimal Training Requirements, (5).

### **Definition**

For the purposes of Section 7 of this Body Art Regulation and, where the context so requires, for purposes of the Body Art Practitioner Permit Apprenticeship Program established by the Board pursuant to section 7 of this Body Art Regulation, the term Body Art Practitioner shall mean Body Art Practitioner Apprentice, and the term Body Art Practitioner Permit shall mean Body Art Practitioner Apprentice Permit.

### **Apprenticeship Program - Minimum Requirements**

As a minimum requirement of the Body Art Practitioner Permit Apprenticeship Program established by the Board, the Board shall require that each participant in such program shall be required to complete the requirements of section 6 – Minimal Training Requirements (1) through (4) inclusive and 6 Blood Borne Pathogens Training Course Content of this Body Art Regulation prior to a participant in such program conducting any form of Body Art activity upon a Client or the person of another.

### **Body Art Practitioner Apprentice Permit Board Authorized to Issue**

The Board is hereby authorized to issue a Body Art Practitioner Apprentice Permit to participants in the Body Art Practitioner Permit Apprenticeship Program established pursuant to section 7 of this Body Art Regulation provided each such participant qualifies for the same pursuant to the provisions of this Body Art Regulation and the Body Art Practitioner Permit Apprenticeship Program.

### **Clients - Notice and Consent**

- (1) Before a person acting under a Body Art Practitioner Apprentice Permit conducts any form of Body Art activity upon a Client, that Client shall be advised that the person to conduct such Body Art activity is in fact an apprentice and is acting only under a Body Art Practitioner Apprentice Permit.
- (2) Before a person acting under a Body Art Practitioner Apprentice Permit conducts any form of Body Art activity upon a Client, such person must obtain the Client's written consent. This written consent shall be physically affixed to the Application and Consent Form for Body Art Activity required pursuant to section 8 of this Body Art Regulation and such written consent shall be maintained therewith.

## **8. Customers / Clients**

### **Application and Consent Form for Body Art Activity- Requirement**

Every Client shall complete an application and consent form approved by the Board prior to having any Body Art activity performed upon or to their body.

### **Application and Consent Form for Body Art Activity - Content**

Every application and consent form, required by Section 8 of this Body Art Regulation, shall contain a minimum of the following:

- (1) General information regarding Body Art, including, at a minimum, the following statements:
  - (a) Tattoos should be considered permanent: and
  - (b) The removal of Tattoos and Scars would require surgery or other medical procedure that may result in scarring or additional scarring of the skin;
- (2) Information as to the side effects of Body Art, including, but not limited to, hypertrophic scarring, possible adverse reaction to ink/dye/pigment, possible change in color of ink/dye/pigment over time, a decreased ability of physician to locate skin melanoma in regions concealed by Tattoos, Brands, Scars and other forms of Body Art, possible nerve damage, febrile illness, tetanus, systemic infection, and keloid formation;
- (3) Client information, including:
  - (a) Name;
  - (b) Age and valid identification;
  - (c) In the case of a Minor Client, the Parent's or legal Guardian's name, proof of parentage or legal guardianship through a copy of a birth certificate or court order of guardianship respectively, or a notarized document signed by the parent or legal guardian attesting to the parent's or legal guardian's relationship to the Minor Client, and the consent to the conduct of the contemplated Body Art activity upon the Minor Client;
  - (d) The type of the Body Art activity to be performed.
  - (e) Instructions requiring the Client to adhere to the Exposure Control Plan as such Plan relates to the Client's conduct in the Body Art Establishment;
  - (f) The address and phone number of the Board and instructions for the Client, or in the case of a Minor Client - the Minor Client and his/her Parent or Legal Guardian, to contact the Board with any questions or concerns regarding safety, Sanitization or Sterilization procedures;
  - (g) The name of the Body Art Practitioner who is to conduct the Body Art upon the Client or Minor Client and that Practitioner's Board registration number;
  - (h) The manufacturer codes, if any, the identity of the manufacturer, and lot numbers of any Dye/Ink or Pigment to be used in the Body Art activity;
  - (i) Signature of Client;
  - (j) In the case of a Minor Client, the signature of Client's parent or legal guardian. The parent or legal guardian shall sign the consent form in the presence of the Body Art Practitioner;
  - (k) The signature of Body Art Practitioner;
  - (l) The date(s) of all signature(s); and,
  - (m) The date(s) of the Body Art procedure, including a daily estimate of progress for the conduct of Body Art requiring multiple days to complete.

#### **Disclosure of Certain Health Related Information**

- (1) A Client shall inform the Body Art Practitioner of any known chronic medical or communicable conditions, including, but not limited to the following:
  - (a) Diabetes;
  - (b) History of hemophilia (bleeding);
  - (c) History of skin disease, skin lesions or skin sensitivities to soap, Disinfectants, etc.;
  - (d) History of allergies or adverse reactions to pigments, dyes or other skin sensitivities;

- (e) History of epilepsy, seizures, fainting or narcolepsy;
  - (f) The taking of medications such as aspirin or other anticoagulants, which thin the blood and or interfere with blood clotting.
  - (g) History of or suspicion of adverse reaction to latex or products containing latex.
- (2) A Client shall inform the Body Art Practitioner of a known pregnancy or possibility of pregnancy.
  - (3) The Body Art Practitioner shall inform the client, verbally and in writing that the above health conditions may increase health risks associated with receiving a body art procedure.
  - (4) The Body Art Practitioner shall require the Client to sign a release form confirming that the above information was obtained or attempted to be obtained and the Client refused to disclose the same.

### **Impairment by Drugs or Alcohol**

No person shall receive any form of Body Art activity who is under the influence of drugs or alcohol.

### **Aftercare Instructions**

All Clients shall obtain and read and follow the Board approved Aftercare Instructions appropriate for the form of Body Art conducted upon such person.

### **Aftercare Instructions - Minimum Content**

Aftercare Instructions shall be approved by the Board and shall include, at a minimum the following:

- (1) Responsibilities and proper care following the procedure;
- (2) Restrictions, if any, upon the client;
- (3) Signs and symptoms of infection; and,
- (4) Instructions to contact a physician if possible signs of infection occur;

### **Age Requirements for Certain Body Art Activities**

- (1) No Minor Client shall receive a Tattoo.
- (2) No Minor Client shall be Branded.
- (3) No Minor Client shall be Scarred.
- (4) No Minor Client shall have his or her genitalia pierced.
- (5) No Minor Client under 14 years of age shall be pierced with the sole exception of Ear Piercing.

### **Rash, Lesion or Visible Signs of Infection**

The skin area or mucosa of a Client to receive any form of Body Art activity shall be free of rash, any lesion or from any visible sign of infection.

## **9. Body Art Establishments**

### **Application - Registration - Body Art Establishment Permit**

Any person seeking registration under this Body Art Regulation so as to obtain a Body Art Establishment Permit shall submit a completed application provided by the Board and shall pay

to the Town of Freetown a fee as outlined in the Board of Health Fee Schedule. A Body Art Establishment Permit shall be valid for no more than one year.

### **Renewal**

The Board may renew a Body Art Establishment Permit under this Body Art Regulation and each applicant for such renewal shall pay to the Town of Freetown a fee as outlined in these regulations. All Body Art Establishment Permits shall expire on December 31 of the year of issuance of the year of issuance unless revoked sooner by the Board.

### **Zoning**

No Body Art facility or Body Art Establishment shall be located in any area except as allowed in the Town of Freetown Zoning By-Law.

### **Other Required Items**

In addition to requirements outlined in the Body Art Regulations, applicants may be required to provide additional information as the Board may reasonably require.

### **Transfer of a Body Art Establishment Permit**

A permit for a body art establishment shall not be transferable from one place or person to another.

### **Plans**

- (1) Every Operator or applicant for a Body Art Establishment Permit shall submit to the Board scaled plans and specifications of the proposed facility wherein any Body Art activity is intended to be conducted demonstrating the compliance of the facility with this Body Art Regulation. The Board may require an on-site inspection of the proposed facility to determine and/or ensure compliance with the requirements of this Body Art Regulation prior to the issuance by the Board of a Body Art Establishment Permit pursuant to this Body Art Regulation.
- (2) Prior to issuance of a permit to operate, the applicant must provide a copy of a current Certificate of Occupancy (CO) from the Town of Freetown Building Inspector in order to show that the facility and fixtures are in compliance with the Zoning By-Law and State Building Code and related Codes (State Plumbing and Gas Code, State Electrical Code, and State Access Regulations).

### **Physical Plant**

#### **Walls, Floors and Ceilings**

- (1) Walls, floors, ceilings, and procedure surfaces shall be smooth, free of open holes or cracks, light-colored, washable, and in good repair. Walls, floors, and ceilings shall be maintained in a clean condition. All procedure surfaces, including client chairs/benches, shall be of such construction as to be easily cleaned and sanitized after each client.
- (2) All such floors, walls and ceilings shall be light-colored.

### **Lighting and Ventilation**

- (1) The establishment shall be well ventilated and provided with an artificial light source equivalent to at least 20 foot candles 3 feet off the floor, except that at least 100 foot candles shall be provided at the level where the body art procedure is being performed, and where instruments and sharps are assembled.
- (2) Every Workstation, Cleaning Area and every area in a Body Art Establishment where linens, Instruments, Sharps or other Equipment are exposed, Sanitized or Sterilized shall be equipped exclusively with readily cleanable light fixtures with light bulbs, lenses or globes of shatterproof material.

### **Hand Washing Sinks**

- (1) A separate, readily accessible hand sink with hot and cold running water under pressure, preferably equipped with wrist- or foot-operated controls and supplied with liquid soap, and disposable paper towels stored in fixed dispensers shall be readily accessible within the establishment.
- (2) A Hand Sink shall be provided at each Workstation. These are in addition to the required sinks in the toilet room.
- (3) A Hand Sink shall not be used as a Janitorial Sink.

### **Instrument Sink**

- (1) Every Cleaning Area shall have a sink used exclusively for the cleaning of Instruments.

### **Janitorial Sink**

- (1) At least one janitorial sink shall be provided in each body art establishment for use in cleaning the establishment and proper disposal of non-contaminated liquid wastes in accordance with all applicable Federal, state and local laws. Said sink shall be of adequate size equipped with hot and cold running water under pressure and permit the cleaning of the establishment and any equipment used for cleaning.

### **Workstation**

- (1) Each Body Art Establishment shall have at least one Workstation.
- (2) Every Workstation shall occupy no less than 60 square feet of floor area for each practitioner.
- (3) The area within each Workstation shall be completely screened from view from any person outside such Workstation.
- (4) A Workstation shall be used for no other purpose.
- (5) Each Workstation shall be separated from any other area of the Body Art Facility, including other Workstations within such Body Art Facility, by a wall or other solid barrier extending from the floor to a minimum height of 8 feet.
- (6) A Workstation shall be maintained in a clean and sterile condition.

### **Separate Areas**

#### **Cleaning Area**

- (1) Every Body Art Establishment shall have therein a Cleaning Area exclusive of and separate from any Workstation. Every Cleaning Area shall have an area for the

placement and use of an Autoclave or other Sterilization Unit located or positioned so as to be a minimum of 36 inches from a required Ultrasonic Cleaning Unit.

### **Instrument Storage Area**

- (1) Every Body Art Establishment shall have therein an Instrument Storage Area exclusive of the Cleaning Area. The Instrument Storage Area shall be equipped with cabinets for the storage of all Instruments and Equipment. The required cabinets shall be located a sufficient distance from the Cleaning Area so as to prevent Contamination of the Instruments and Equipment stored therein.

### **Customer Waiting Area**

- (1) Every Body Art Establishment shall have therein a Customer Waiting Area exclusive of and separate from any Workstation, Instrument Storage Area, Toilet Room or Cleaning Area.

### **Toilet Room**

- (1) Every Body Art Establishment shall have therein a minimum of one toilet room exclusive of and separate from any Workstation containing a toilet and sink. The toilet room shall be provided with toilet paper, liquid hand soap and paper towels stored in a fixed dispenser.

### **Exposure Control Plan Requirement**

Each Operator shall create, update as needed, and comply with an Exposure Control Plan.

### **Exposure Control Plan - Submission.**

- (1) The Exposure Control Plan for a Body Art Establishment shall be submitted by the Operator to the Board for review so as to meet all of the requirements of OSHA regulations, to include, but not limited to 29 Code of Federal Regulation 1910.1030 *et seq.*, as amended from time to time.
- (2) A copy of the Body Art Establishment's Exposure Control Plan shall be maintained at the Body Art Establishment at all times and shall be made available to the Board upon request.

### **Telephone Access - Emergency Communication**

A Body Art Establishment shall be required to have a telephone in good working order and easily accessible to all employees and Clients during all hours of operation for the purpose of contacting police, fire or emergency medical assistance or ambulance services in the event of an emergency or perceived emergency. A legible sign shall be posted at or adjacent to the telephone indicating the correct emergency telephone numbers and the number of the Board.

### **Body Art Establishment - Other Activities - Restrictions**

No Operator shall permit the use of a Body Art Establishment:

- (1) For the sale of food and/or beverages, whether to be consumed at the Body Art Establishment or off-site;
- (2) As a barbershop or hair salon;
- (3) As a nail salon;
- (4) As a bar, with or without a permit for the sale of alcoholic beverages;
- (5) As a bowling alley;

- (6) For human habitation;
- (7) As a tanning salon;
- (8) As a massage parlor, or
- (9) For any other use which, in the opinion of the Board, may cause the contamination of Instruments, Equipment, a Procedure Surface or Workstation.

### **Body Art Establishment - Permit - Board Authorized to Issue**

If an applicant for a Body Art Establishment Permit demonstrates to the Board compliance with all relevant provisions of this Body Art Regulation, the Board is hereby authorized to issue a Body Art Establishment Permit pursuant to the provisions of this Body Art Regulation.

### **Body Art Establishment - Permit - Posting Requirement**

The Operator of a Body Art Establishment shall post in an area of the Body Art Establishment accessible to the Board and to Clients the original and the current Body Art Establishment Permit issued by the Board.

### **Mobile or Temporary Body Art Establishment**

No person shall establish or operate a Mobile or Temporary Body Art Establishment.

### **Health of Body Art Establishment Employees**

No person affected with boils, infected wounds, open sores, abrasions, weeping dermatological lesions or acute respiratory infection shall work in any area of, or in any capacity in, a Body Art Establishment which would create a likelihood that that person could Contaminate Equipment, Instruments, supplies, Procedure Surfaces, Workstations or otherwise compromise or could reasonably be expected to compromise the Sterility of the Body Art Establishment with body substances or pathogenic organisms.

## **10. Instruments and Equipment**

### **Equipment and Furnishings**

The Procedure Surface and the surface of all furniture and counter tops located in a Workstation, Instrument Storage Area and Cleaning Area shall be made of materials that are, or shall be treated so as to be, smooth, non-absorbent, non-porous, easily cleanable and able to withstand repeated cleaning and Disinfecting. Such surfaces shall be maintained in a good condition free from holes and cracks.

### **Sanitizing and Sterilization Units**

- (1) Every Body Art Establishment shall have at a minimum the following:
  - a) One or more Ultrasonic Cleaning Units sold for cleaning purposes under approval of the U.S. Food and Drug Administration. Every Ultrasonic Cleaning Unit shall be clearly labeled Biohazardous and shall be installed or placed in the Cleaning Area at a minimum distance of 36 inches from the required Autoclave or other Sterilization Unit.
  - b) One or more Autoclave or other Sterilization Unit sold for medical Sterilization purposes under approval of the U.S. Food and Drug Administration; and,
- (2) Every Operator and Body Art Practitioner shall be knowledgeable in the required washing, cleaning and Sterilization procedures including the proper operation of the Ultrasonic Cleaning Unit and Autoclave or other Sterilization Unit.

### **Waste Receptacles**

- (1) Every Workstation shall have a foot-operated, covered, cleanable, waste receptacle for disposal of trash and other debris.
- (2) Every Workstation shall have an approved Sharps Container exclusively used for the disposal of Contaminated Waste in accordance with 105 CMR 480.000: Storage and Disposal of Infectious or Physically Dangerous Medical or Biological Waste, State Sanitary Code, Chapter VIII.

### **Linens**

Every Body Art Establishment or Body Art Practitioner shall maintain an adequate supply of reusable, launderable linens or single-use linens, such as drapes, lap cloths and aprons, to be used in conducting Body Art activities.

### **Rotary Pens**

If used in Body Art activity, rotary pens, also known as cosmetic machines, shall have detachable, disposable, sterile combo couplers and shall have detachable, disposable casings or casings designed and manufactured to be easily cleaned and Sterilized.

### **Ink, Dye and Pigments**

- (1) All Inks, Dyes, and Pigments used to alter the color of skin in the conduct of Body Art shall be specifically manufactured for such purpose, approved, properly labeled as to its ingredients, manufacturer and lot number in accordance with applicable United States Food and Drug Administration (FDA) requirements, and shall not be contaminated or adulterated. The mixing of such Inks, Dyes or Pigments or the dilution of the same with potable sterile water is acceptable, unless prohibited or not recommended by the product manufacturer.
- (2) Inks, Dyes and Pigments prepared by or at the direction of a Body Art Practitioner for use in Body Art activity shall be made exclusively of non-toxic and non-contaminated ingredients approved by the Board or the FDA.

### **Inserted Objects - Jewelry**

- (1) Jewelry shall be sterilized, free from polishing compounds, free from nicks, scratches, burrs or irregular surface conditions.
- (2) Jewelry of 16 Gage girth or thicker shall not have raised external threads or threading.
- (3) Jewelry shall be in good condition, designed and manufactured for insertion into the intended body part of the Client.
- (4) The use of previously worn Jewelry or Jewelry brought into the Body Art Establishment by the Client or another is prohibited.
- (5) Only Jewelry manufactured of surgical implant stainless steel of American Society for Testing and Material Standards grade F138, surgical implant solid 14K or 18K white or yellow gold, niobium, surgical implant titanium of Ti6A4V ELI, American Society for Testing and Material Standards F-136-98, platinum or other materials considered by the Board to be equally bio-compatible and capable of adequate cleaning and Sterilization shall be inserted into a Client.

## **Instruments**

- (1) All instruments and supplies shall be stored in clean, dry, and covered containers. Containers shall be kept in a secure area specifically dedicated to the storage of all instruments and supplies.

## **Single Use Equipment and Instruments**

- (1) Equipment, Instruments and supplies intended for single-use shall not be used more than one time. After use, all single-use sharps shall be immediately disposed of in approved sharps containers pursuant to 105 CMR 480.000.
- (2) All products applied to the skin, such as but not limited to body art stencils, applicators, gauze and razors, shall be single use and disposable.
- (3) Hollow bore needles or needles with cannula shall not be reused.

## **Prohibited Instruments and Materials**

No Operator, Body Art Practitioner or other person shall utilize or have available in a Body Art Establishment any:

- (1) Instruments or materials, such as styptic pencils or devices, alum, or any similar material, used to check the flow of blood;
- (2) Liquid sterilants for the attempted sterilization of any re-usable Instrument or component;
- (3) Rotary pens that are designed or manufactured with a sponge type material at the opening of the chamber for the purpose of prohibiting the backflow of pigment and body fluid into the machine;
- (4) Multiple-use Instruments or components that are designed in such a manner that restrict or prevent proper washing, cleaning or Sterilization;
- (5) Drugs, chemicals or agents that require a permitted medical practitioner's authorization for use, application or dispensation;
- (6) Suturing kits or suturing devices, scalpels, cauterizing tools or devices, or other tools, devices or instruments used for or in conjunction with any Prohibited Body Art Activity, and not otherwise properly used for any allowed Body Art activity;
- (7) Piercing needles or piercing tapers for the sale or use by one not a Body Art Practitioner; or
- (8) Needles used in the practice of play piercing, so-called.

## **11. General Requirements**

### **Animals**

- (1) No Body Art Practitioner shall conduct any form of Body Art upon an animal.
- (2) No animal, except one actually serving as a guide animal, signal animal or service animal accompanied by a totally or partially blind person or deaf person or a person whose hearing is impaired or handicapped person, shall be allowed in a Body Art Establishment.
- (3) Fish aquariums shall be allowed in waiting rooms and nonprocedural areas.

### **Smoking, Eating and Drinking - Prohibited**

No person shall smoke, or otherwise use any form of tobacco, eat or drink at or in a Workstation, Instrument Storage Area or Cleaning Area. Only in the case of medical need may fluids be consumed by a Client.

## **Disease Transmission**

Except as set forth in these regulations, no Operator, Body Art Practitioner or other person shall commit or permit any act that may expose any Client or person to disease or illness or otherwise contaminate any Instrument or area in a Body Art Establishment.

## **Exposure Incident Report**

- (1) An Exposure Incident Report shall be completed by the close of the business day during which an Exposure has or might have taken place by the involved or knowledgeable Body Art Practitioner for every Exposure incident occurring in the conduct of any Body Art activity.
- (2) Each Exposure Incident Report shall contain:
  - (a) A copy of the Application and Consent Form for Body Art activity completed by any Client or Minor Client involved in the Exposure incident;
  - (b) A full description of the Exposure incident, including the portion of the body involved therein;
  - (c) Instrument[s] or other Equipment implicated;
  - (d) A copy of the Body Art Practitioner Permit of the involved Body Art Practitioner.
  - (e) Date and time of Exposure;
  - (f) A copy of any medical history released to the Body Art Establishment or Body Art Practitioner; and
  - (g) Information regarding any recommendation to refer to a physician or waiver to consult a physician by persons involved.

## **Injury Reports**

A written report of any injury, infection complication or disease as a result of a body art procedure, or complaint of injury, infection complication or disease, shall be forwarded by the operator to the Board which issued the permit, with a copy to the injured client within five working days of its occurrence knowledge thereof. The report shall include:

- (a) The name of the affected client;
- (b) The name and location of the body art establishment involved;
- (c) The nature of the injury, infection complication or disease;
- (d) The name and address of the affected client's health care provider, if any;
- (e) Any other information considered relevant to the situation.

## **Record Maintenance**

- (1) Every Operator shall have and retain at the Body Art Establishment for inspection by the Board the following information for the time period specified below, to be updated as needed to remain current:
  - (a) Exposure Control Plan one copy of the Exposure Control Plan for the Body Art Establishment submitted to the Board;
  - (b) Employee records [three years] indicating: name, home address, home phone number, identification photograph, state identification card number, physical description as detailed on state identification card, date of birth, type[s] of Body Art procedures conducted, dates of employment at the Body Art Establishment, Body Art Practitioner registration number, Hepatitis B vaccination status or declination notification;
  - (c) Body Art Practitioner independent operator (non-employee of the Body Art Establishment) records [three years] indicating: name, home address, phone number,

- state identification card number, physical description as detailed on state identification card, date of birth, type[s] of Body Art procedures conducted, dates operating at the Body Art Establishment; Body Art Practitioner registration number, Hepatitis B vaccination status or declination notification;
- (d) Client records [two years] and copies of all Application and Consent forms for Body Art activity;
  - (e) Waste hauler manifests for Contaminated Waste transport and disposal [three years];
  - (f) Training records [three years] documentation to verify training of Exposure Control Plan to all employees and Body Art Practitioner independent operator[s] conducting Body Art activity at such establishment;
  - (g) Commercial biological monitoring [spore] system test results [three years]; and
- (2) Body Art Regulation - One copy of the most current version of this Body Art Regulation and any State regulations concerning the practice of Body Art.
  - (3) Every Operator shall have and retain at the Body Art Establishment for inspection by the Board all Exposure Incident Reports permanently. The disposal or destruction of these reports is prohibited.

### **Establishment Maintenance**

Every area of a Body Art Establishment shall be kept in good repair, clean and free of all vermin and maintained so as to prevent Contamination of Clients and other persons.

### **Toilet Room and Plumbing Maintenance**

Every toilet room, all plumbing and all plumbing fixtures shall be kept clean, fully operative, and in good repair.

### **Equipment and Instrument Maintenance**

- (1) All Instruments, Equipment and Procedure Surfaces used for Body Art activity, including, but not limited to, devices, containers, cabinets, storage compartments, chairs, tables, counters, and dispensers shall be maintained clean, fully operative, and in good repair and free from Contamination.
- (2) All Instruments manufactured for performing any specific Body Art activity shall be so designated, used and approved, and shall not be modified, adulterated, Contaminated or improperly used. Instruments used for Body Piercing shall be constructed of stainless surgical-grade steel, and designed and manufactured for such use.

### **Contaminated Instruments**

- (1) Every Contaminated reusable Instrument or component thereof, including, but not limited to, needles, needle bars, needle tubes, needle caps, Body Piercing tubes, rotary pens, and coil machines, shall be immersed in water or other approved liquid solution in the Cleaning Area until cleaned and Sterilized.
- (2) Prior to Sterilization, every such Instrument shall be thoroughly washed by scrubbing with an appropriate Disinfectant and Hot Water in accordance with manufacturer's instructions so as to remove Contamination and foreign matter.
- (3) Upon completion of the washing process as set forth in subsection (2) above, every such Instrument shall be cleaned using an Ultrasonic Cleaning Unit in accordance with manufacturer's instructions.

- (4) Upon completion of the cleaning process as set forth in subsection (3) above, every such Instrument shall be packaged into procedure set-up packages with color change indicators designed to indicate complete Sterilization thereof, initials of the person responsible for Sterilizing the Instruments and date of such Sterilization. Instruments may be packaged individually or with other Instruments to the extent permitted under the package manufacturer's instructions.
- (5) Upon completion of the packaging process as set forth in subsection (4) above, every such Instrument shall be properly Sterilized by properly Autoclaving in an approved Autoclave or Sterilized in another type of Sterilization Unit according to manufacturer's instructions.
- (6) If a package becomes wet, is opened or is otherwise compromised so as to allow the possible Contamination of the contents of the package, any Instrument therein shall be deemed Contaminated and shall again be washed, cleaned, packaged and Sterilized as indicated above prior to use.
- (7) Sterilized Instruments shall be stored in a dry, clean cabinet or tightly covered container. Cabinets and containers designated for the storage of Sterilized Instruments shall be used for that purpose exclusively.
- (8) Every Sterilized package shall be deemed expired six (6) months after the date of Sterilization. Every Instrument therein shall again be washed, cleaned, packaged and sterilized consistent with the provisions of this section prior to use.
- (9) Liquid Sterilants shall not be used for the Sterilization of any reusable Instrument.

### **Instrument Storage**

All Instruments must be stored in the Instrument Storage Area in a manner so as to prevent Contamination. Identical Instruments shall be exclusively stored together, unless intermingled storage with different Instruments does not represent a hazard as determined by the Board.

### **Use of Chemicals and Cleansers**

All Germicides, Disinfectants, chemicals, and cleansers must be used according to the manufacturer's requirements, used only for the purpose approved and intended by the manufacturer and properly labeled and stored so as to prevent Contamination and hazard.

### **Labeling**

All storage containers, cabinets, shelves and other storage areas in the Instrument Storage Area shall be properly labeled as to their contents, including, but not limited to, identification of Contaminated or soiled contents as appropriate.

### **Linen Storage and Cleaning**

- (1) Clean linen shall be stored in a manner so as to prevent Contamination. Containers used for the storage of such linen shall be clearly labeled as to the contents and used for no other purpose. Linens that have become soiled or contaminated shall be disposed of, or not be used, until properly laundered. Contaminated linen shall be labeled, handled, stored, transported, and laundered or disposed of so as to prevent hazard in a manner approved by the Board.
- (2) Any other protective clothing, garment or cloth items worn during or used during in Body Art activity and intended for reuse shall be mechanically washed with detergent and dried after each use. The items shall be stored in a clean, dry manner and protected from

Contamination until used. Should such items become contaminated directly or indirectly with bodily fluids, the items shall be washed in accordance with standards applicable to hospitals and medical care facilities, at a temperature of 160 degrees Fahrenheit or a temperature of 120 degrees Fahrenheit with the use of chlorine Disinfectant.

### **Cleaning and Testing of Ultrasonic Cleaning Units and Sterilization Units**

- (1) Every Ultrasonic Cleaning Unit and Autoclave or Sterilization Unit shall be used and maintained according to manufacturer's specifications. Each Ultrasonic Cleaning Unit, Autoclave or other Sterilization Unit shall be emptied and thoroughly cleaned and Disinfected at least once each day that the unit is used.
- (2) Every Autoclave or Sterilization Unit shall be tested with a commercial biological monitoring (spore) system test in a manner and frequency consistent with the manufacturer's instructions, but no less than once every week, to monitor the efficacy of the eradication of all living organisms, including spores, by the Autoclave or other Sterilization Unit.
- (3) Biological monitoring [spore] system testing of the Autoclave or other Sterilization Unit shall be performed by an independent commercial testing laboratory contracted by the Operator and/or Body Art Practitioner. A provision shall be included in the contact between the Operator and/or Body Art Practitioner with the commercial testing laboratory requiring the commercial testing facility to notify the Board of any failure of the Autoclave or other Sterilization Unit to eradicate all living organisms, including spores.

### **Waste Hauling**

- (1) All waste shall be removed from the Body Art Establishment on a daily basis and placed in an Approved secured receptacle for pickup and removal.
- (2) All Contaminated Waste in solid form and Sharps shall be disposed of through use of an approved waste hauler in accordance with all applicable state and federal and local laws and regulation. The frequency of disposal shall be determined by the Board, but shall be no less than every 30 days.

## **12. Conduct of Body Art**

### **Workstation Sanitizing**

- (1) All surfaces in a Workstation which come in contact with a Client or which become Contaminated or which may reasonably have become Contaminated shall be cleaned with water and soap or other appropriate cleaning compound immediately following the conduct of Body Art upon a Client.
- (2) The Workstation, including, but not limited to the Client's chair, table, tray, procedure Surface and similar surfaces shall be thoroughly Sanitized with an approved Disinfectant immediately before and immediately after the conduct of Body Art upon a Client therein/thereon.

### **Hand Washing and Use of Gloves**

- (1) A Body Art Practitioner shall clean his/her hands and forearms thoroughly by washing with antibacterial soap and warm water and promptly dry the same with single-use paper towels or like material prior to conducting any Body Art activity.

- (2) A Body Art Practitioner shall wear new, clean, single-use examination gloves while assembling all Instruments and other supplies intended for use in the conduct of Body Art and during the conduct of Body Art upon a Client. New, clean, single-use non-latex examination gloves shall be used during the preparation for and the conduct of any Body Art activity upon a Client with a known or a suspected latex allergy.
- (3) If an examination glove is pierced, torn or contaminated through contact with any part of the Client not subject to the conduct of Body Art or such other surface so as to present the possibility of contamination, any person other than the Client, or otherwise exposed to an unsanitary or non-sterile surface, both gloves must be promptly removed and discarded into an appropriate waste receptacle. The Body Art Practitioner shall don new gloves before proceeding with the conduct of Body Art.
- (4) If the gloves of a Body Art Practitioner are removed at any time during assembly of instruments or supplies, or the conduct of Body Art, the Body Art Practitioner must clean his/her hands and don new gloves in accordance with this section.
- (5) The use of single-use examination gloves does not preclude or substitute for the above hand washing requirement.

### **Instrument and Equipment Preparation**

- (1) Every Body Art Practitioner shall use linens, properly cleaned in accordance with these regulations, or new single-use drapes, lap cloths, and aprons for each element of Body Art conducted upon a Client.
- (2) Every substance used in the conduct of Body Art shall be dispensed from containers so as to prevent contamination or the possibility of contamination of the unused portion. Immediately before tattooing a Client, a sufficient quantity of the ink, dye or pigment to be used therefore shall be transferred from its original bottle or container into sterile, single-use disposable cups, caps or containers.
- (3) Upon Sanitization of the Workstation, the Instrument tray shall be covered with an uncontaminated single-use paper towel, tray cover or similar material.
- (4) Every Instrument required for the conduct of Body Art upon a Client shall be placed and arranged on the Instrument tray in a manner so as to prevent contamination of Sterilized Instruments. All Sterilized Instruments shall remain in sterile packages until opened in front of the Client.
- (5) Sharps Containers shall be easily accessible to the Body Art Practitioner and located as close as is feasible to the immediate area where the Sharps will be used.

### **Use of Workstation**

- (1) The conduct of Body Art shall occur only upon a Client or Minor Client in a Workstation under Sterile conditions.
- (2) Only the Client, the parent or legal guardian of a Minor Client, the guide or service animal of a Client, the Body Art Practitioner conducting the Body Art and an assistant or apprentice to the Body Art Practitioner - with the express permission of the Client, shall be permitted in the Workstation during the conduct of Body Art.

### **Use of Instruments, Supplies and Sharps**

- (1) All Instruments used in the conduct of Body Art shall be without Contamination, and shall be properly cleaned, Sanitized and Sterilized in accordance with this Body Art Regulation.

- (2) All Instruments and other Equipment or supplies used in the conduct of Body Art that are designed or intended for single-use shall only be used once.
- (3) All Sharps shall be properly disposed of immediately following use in a Sharps Container.
- (4) All products applied to the skin, including Body Art stencils, shall be single-use and shall be used only once.
- (5) Products used in the application of Body Art stencils shall be dispensed and applied to the area of the Client upon which the Body Art activity is to be performed with sterile gauze or other sterile applicator so as to prevent Contamination of the container and contents of the product in use. The gauze or other applicator shall be used only once.
- (6) Only single-use disposable razors shall be used in the conduct of Body Art activities and such single-use disposable razors shall not be used more than one time.

### **Waste Disposal**

Disposable items such as gloves, wipes, cotton balls, Q-tips, water cups, rinse cups (used alone or in an ultrasonic cleaning unit), drapes, lap cloths, aprons and other single-use items that have come into contact with any person, Client, Workstation, Instrument trays, counters, towels or linens used for the conduct of Body Art, or have otherwise become Contaminated shall be promptly discarded during or upon

Completion of the conduct of Body Art into an appropriate waste receptacle in accordance with this Body Art Regulation.

### **Multiple Body Art Activities**

The following shall be deemed to be multiple Body Art activities on a single Client, each requiring proper washing, cleaning, Sanitization and Sterilization of Instruments, Workstations and other Equipment and areas as set forth under these regulations:

- (1) Creating two or more Tattoos on different areas of the body of a single Client;
- (2) The use of more than one needle or scalpel during the conduct of Body Art upon a single Client; or
- (3) Creating one Tattoo and the use of one needle or scalpel on a single Client.

## **13. Prohibited Activities**

### **Piercing Gun**

Piercing Gun is prohibited at all times.

### **Cosmetic Tattooing - Micro-pigmentation, etc.**

Cosmetic Tattooing, also known as permanent cosmetics, micro pigment implantation or dermal pigmentation, is hereby prohibited unless performed by a medical doctor Permitted by the Commonwealth of Massachusetts or such other person that receives a Permit, permit or registration by the Commonwealth of Massachusetts specifically to perform such activities. If a person obtains such a Permit, permit or registration from the Commonwealth, such person may conduct such Body Art activity provided all requirements of this Body Art Regulation are complied with, excepting only Section 6

### **Particular Body Piercing - Prohibition/Restriction**

The following Body Piercings are hereby prohibited:

- (1) Piercing of the Uvula.

- (2) Piercing of the tracheal area.
- (3) Piercing of the neck.
- (4) Piercing of the ankle.
- (5) Piercing between the ribs or vertebrae.
- (6) Piercing of the web area of the hand or foot.
- (7) Piercing of the lingual frenum (tongue web).
- (8) Piercing of the clitoris.
- (9) Any form of chest or deep muscle piercing - excluding piercing the nipple.
- (10) Piercing of the anus.
- (11) Piercing of an eyelid, whether the top or bottom.
- (12) The form of Body Piercing known as pocketing.
- (13) Piercing of the gums.
- (14) Piercing or skewering of a testicle.
- (15) So-called deep piercing of the penis - meaning piercing through the shaft of the penis, or trans-penis piercing in any area from the corona glandis to the pubic bone.
- (16) So-called deep piercing of the scrotum - meaning piercing through the scrotum, or trans-scrotal piercing.
- (17) So-called deep piercing of the vagina - to include, but not limited to - so-called triangles.

### **Tongue Splitting**

The cutting, splitting or other bifurcation of the tongue is hereby prohibited unless performed by a medical doctor Permitted by the Commonwealth of Massachusetts.

### **Braiding**

The Braiding of the skin is hereby prohibited unless performed by a medical doctor Permitted by the Commonwealth of Massachusetts.

### **Three Dimensional / Implantation**

Three Dimensional Body Art, including beading, and implantation is hereby prohibited unless performed by a medical doctor Permitted by the Commonwealth of Massachusetts.

### **Tooth Filing / Fracturing / Removal**

The filing or shaping or the intentional fracturing or extraction of a tooth is hereby prohibited unless performed by a dentist Permitted by the Commonwealth of Massachusetts.

### **Cartilage Modification**

The cutting, notching, sculpting or other modification of cartilage is hereby prohibited unless performed by a doctor Permitted by the Commonwealth of Massachusetts.

### **Amputation**

The intentional amputation of any part of the body is hereby prohibited unless performed by a doctor Permitted by the Commonwealth of Massachusetts.

### **Genital Modification**

Modification of the genitalia by means of sub-incision, bifurcation, castration, male or female nullification or other surgical means is hereby prohibited unless performed by a doctor Permitted by the Commonwealth of Massachusetts.

### **Introduction of Saline or Other Liquids**

The introduction of saline solution or other liquid or semi-liquid substance into the body of another for the purpose of causing a modification of the body is hereby prohibited unless performed by a medical doctor Permitted by the Commonwealth of Massachusetts.

## **14. Enforcement of Body Art Regulation**

### **Variance Provision**

A variance may be granted from a particular section or provision of this Body Art Regulation by the Board with respect to a particular case only when, in the sole discretion of the Board of Health:

- (1) the enforcement of the subject section or provision would do manifest injustice, and
- (2) the applicant for a Body Art Practitioner Permit or Body Art Establishment Permit, as the case may be, has proved to the satisfaction of the Board of Health that the same or greater degree of protection required under this Body Art Regulation can be achieved without the strict application or enforcement of the subject section or provision.

### **Request - Procedure**

- (1) Every request for a variance pursuant to section 14 of this Body Art Regulation shall be made in writing to the Board of Health and shall state the specific section or provision from which variance is sought and the need for it.
- (2) Every variance granted by the Board of Health shall be in writing and the original of the variance document shall be posted, in the case of a variance relating to a Body Art Practitioner Permit, with the posting of the Body Art Practitioner Permit as required by section 6 and in the case of a variance relating to a Body Art Establishment Permit, with the posting of the Body Art Establishment Permit as required by section 9.
- (3) A copy or duplicate original of all variance documents issued by the Board shall be held on file in the office of the Town Clerk of the Town of Freetown or in the offices of the Board.
- (4) A variance document issued by the Board shall contain information so as to reasonably inform the public of the nature of the variance, the need therefore, the specific section or provision of this Body Art Regulation from which variance was granted and the name of the subject Body Art Practitioner or Body Art Establishment.
- (5) Information advising as to whether the subject variance is unlimited in time or duration or has a fixed expiration date shall be detailed in all variance documents issued by the Board.

### **Variance - Qualification, Expiration, Revocation, Modification, Suspension**

Any variance granted by the Board of Health pursuant to section 14 of this Body Art Regulation may be subject to such condition qualification, expiration, revocation, modification or suspension as the Board of Health, in their sole discretion, shall deem appropriate.

### **Complaints**

- a) The Board shall investigate complaints received about an establishment or practitioner's practices or acts, which may violate any provision of the Board's regulations.

- b) If the Board finds that an investigation is not required because the alleged act or practice is not in violation of the Board's regulations, then the Board shall notify the complainant of this finding and the reasons on which it is based.
- c) If the Board finds that an investigation is required, because the alleged act or practice may be in violation of the Board's regulations, the Board shall investigate and if a finding is made that the act or practice is in violation of the Board's regulations, then the Board shall apply whatever enforcement action is appropriate to remedy the situation and shall notify the complainant of its action in this manner.

#### **Violation by a Body Art Practitioner**

- (1) A Body Art Practitioner Permit shall be suspended by the Board immediately upon written notice of such suspension to the subject Body Art Practitioner when, in his or her sole discretion, the Board of Health, has reason to believe that, due to a condition or practice of the subject Body Art Practitioner, an imminent threat to the public health and/or welfare exists.
- (2) When the condition or practice believed to cause such threat to the public health and/or welfare is abated or corrected to the satisfaction of the Board of Health, the Board of Health may terminate the suspension of the Body Art Practitioner Permit of the subject Body Art Practitioner and reinstate the same upon written notice to the subject Body Art Practitioner and the Body Art Practitioner Permit of such Body Art Practitioner shall remain in full force and effect until the expiration of the same or until the subsequent suspension, termination, revocation or modification thereof by the Board of Health.
- (3) In all other instances of a violation of this Body Art Regulation by a Body Art Practitioner, the Board shall serve upon the subject Body Art Practitioner a written order of notice detailing the condition, event or practice determined by the Board of Health to be in violation of this Body Art Regulation and such written order of notice shall instruct the Body Art Practitioner that he or she shall have five (5) business days to abate or correct such condition, event or practice to the satisfaction of the Board of Health.
- (4) Should a Body Art Practitioner, subject to an order of notice pursuant to section 14 fail to abate or correct the condition, event or practice which is the subject of an order of notice, or to otherwise comply with an order of notice, the Board of Health may suspend, terminate, revoke or modify the Permit held by such Body Art Practitioner, subject to the hearing provisions of Section 14

#### **Violation by an Operator or in a Body Art Establishment**

- (1) A Body Art Establishment Permit shall be suspended by the Board immediately upon written notice of such suspension to the subject Operator when, in the sole discretion of the Board of Health, due to a condition of or practice in the Body Art Establishment, the Board of Health has reason to believe that an imminent threat to the public health and/or welfare exists.
- (2) When the condition or practice believed to cause such threat to the public health and/or welfare is abated or corrected to the satisfaction of the Board of Health, the Board of Health may terminate the suspension of the Body Art Establishment Permit of the subject Operator and reinstate the same upon written notice to the subject Operator and the Body Art Establishment Permit of such Body Art Establishment shall remain in full force and effect until the expiration of the same or until the subsequent suspension, termination, revocation or modification thereof by the Board of Health.

- (3) In all other instances of a violation of this Body Art Regulation by an Operator or in a Body Art Establishment, the Board shall serve upon the subject Operator written order of notice detailing the condition, event or practice determined by the Board of Health to be in violation of this Body Art Regulation and such order of notice shall instruct the Operator that he or she shall have five (5) business days to abate or correct such condition, event or practice to the satisfaction of the Board of Health.
- (4) Should an Operator, subject to an order of notice pursuant to section 14 fail to abate or correct the condition, event or practice which is the subject of an order of notice, or to otherwise comply with an order of notice, the Board of Health may suspend, terminate, revoke or modify the Body Art Establishment Permit held by such Operator, subject to the hearing provisions of Section 14.

### **Failure to Comply With Orders of the Board**

Whenever a Body Art Practitioner or Operator has failed, to the satisfaction of the Board, to comply with an order of notice issued by the Board pursuant to the provisions of this Body Art Regulation, the Board of Health may suspend the Body Art Practitioner Permit of the subject Body Art Practitioner or the Body Art Establishment Permit of the subject Operator until such time as the subject Body Art Practitioner or Operation has complied with the order of notice to the satisfaction of the Board.

### **Right to a Hearing**

- (1) No Permit or permit granted under these regulations, whether for the individual practitioners or for the establishments may be suspended or revoked without a hearing except in cases of emergency or where a substantial risk to the public health exists as determined by the Commissioner. In such cases, a hearing will be conducted within a reasonable time after the suspension has taken place.
- (2) Prior to a hearing on the Permit suspension or revocation, the Permittee shall be notified in writing of the proposed action and hearing, including the date, time and location of the hearing.
- (3) At the hearing the petitioner shall be given an opportunity to be heard. After the hearing, the Commissioner shall notify the Permittee in writing of the decision.

### **Procedure for Hearings**

#### **(A) Suspension of a Permit**

- (1) After a Board suspension of a permit, a hearing shall be initiated pursuant to 801 CMR 1.00 et seq. (Standard Adjudicatory Rules of Practice and Procedure), no later than twenty-one (21) calendar days after the effective date of the suspension.
- (2) Upon written request to the Board of Health, the establishment or practitioner shall be afforded an opportunity to be heard concerning the suspension of the permit by the Board.
- (3) In cases of suspension of a permit, the hearing officer shall determine whether the Board has proved by a preponderance of the evidence that there existed immediately prior to or at the time of the suspension an immediate and serious threat to the public health, safety or welfare. The hearing officer shall issue a written decision, which contains a summary of the testimony and evidence considered and the reasons for the decision.

(B) Denial, Revocation, or Refusal to Renew a Permit

- (1) If the Board determines that a permit shall be denied, revoked, or not renewed pursuant to the Board's regulations, the Board shall initiate a hearing in accordance with 801 CMR 1.00 et seq.
- (2) Following the hearing, the hearing officer shall issue a written decision that contains a summary of the testimony and evidence considered and the reasons for the decision.

**Criminal Prosecution**

The Board shall refer to the appropriate District Attorney, the Attorney General, or other appropriate law enforcement agency any incidents of unauthorized practice of body art that come to its attention.

**Fine for Violation - Each Day a Separate Offense**

The fine for a violation of any provision of this Body Art Regulation shall be no less than \$300 per offense. Each day that a violation continues shall be deemed to be a separate offense.

**Non-Criminal Disposition**

In accordance with Massachusetts General Law chapter 40, section 21D, and the Town of Freetown's By-Law Chapter 40 Section 21.D, as amended from time to time, at the discretion of the Board, whoever violates any provision of this Body Art Regulation, may be penalized by a non-criminal disposition as provided in Massachusetts General Laws chapter 40 section 21D.

**15. Severability**

If any provision or subpart thereof contained in this Body Art Regulation is found to be invalid or unconstitutional by a court of competent jurisdiction, the validity of all remaining provisions or subpart thereof shall not be so affected but shall remain in full force and effect.

Adopted by unanimous vote  
of the Freetown Board of Health  
March 31, 2003

Effective March 31, 2003